

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The February 20, 2004 Office Action and the Examiner's comments have been carefully considered. In response, claims are amended and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

CLAIM OBJECTIONS

In the Office Action claim 8 is objected to because of an informality. In response, claim 8 is amended to correct the typographical error cited by the Examiner.

PRIOR ART REJECTIONS

In the Office Action claims 1 and 3 are rejected under 35 USC 102(e) as being anticipated by US Pub. No. 2003/0070080 (Rosen). Claims 2 and 4 are rejected under 35 USC 103(a) as being unpatentable over Rosen and further in view of USP 6,185,546 (Davis). Claims 5 and 6 are rejected under 35 USC 103(a) as being unpatentable over Rosen and further in view of USP 5,987,440 (O'Neil et al.). Claim 7 is rejected under 35 USC

103(a) as being unpatentable over Rosen and O'Neil et al. and further in view of USP 2002/0026575 (Wheeler et al.). Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Rosen and Davis and further in view of USP 6,378,075 (Goldstein et al.).

It appears that the Examiner has not recognized the patentable differences between the present claimed invention and the teachings of USP 6,175,921 B1 (Rosen). Rosen is aimed at a payment system for cash flow from a party A to a party B, without third-party intervention (see page 3, paragraph 0044 and page 56, paragraph 1021). However, the present claimed invention is directed to a payment system in which use is made of a (secure) payment system that has already been installed (SET). The agent, instructed by its owner (the prospective buyer) searches for a specific product, and after finding it, initiates the SET payment system. Thereupon SET makes the necessary connections to banking accounts, payment gateways, etc. to provide for the actual payment. The agent only initiates the payment process, but cannot execute the payment. The "core functionality" of the agent in the present invention lies in the search and the negotiation for products for its owner. The payment procedure is performed according to existing standards. In contrast, in Rosen payment is conducted between buyer and seller, without involving financial institutions, such as banks. Here, the "core

functionality" of the agent is the correct performance of the payment action. This is not to say that Rosen discloses how the "digital money" should be converted to "real life cash." Using the system according to the present claimed invention, on the contrary, results in a transfer from account "a" to account "b," i.e., in an equivalent of the transfer of real money.

A second patentable difference between Rosen and the present claimed invention is the fact that the agent of Rosen signs the transaction. In the present claimed invention, the agent only authorizes the initiation. The actual transaction is signed and performed by the SET payment module of the user (the e-wallet).

A third patentable difference between Rosen and the present claimed invention is that the agent of Rosen is part of the payment modules of both buyer and seller. In contrast, in the present claimed invention, the payment modules are not part of the system. Instead, they are standardized, commercially available products. Agents according to the present claimed invention negotiate for the specified products, prices, etc., and only initiate actual payments by communicating with the (external) payment modules (e-wallet and payment server). Credit card firms are in favor of specifying the payment procedure by themselves, i.e., SET. So this procedure should be kept intact. The agent in the present claimed invention is designed to

function in a system that results in exactly that leading to a viable system.

Rosen does appear to describe a detailed payment procedure. The present claimed invention, however, describes the use of existing payment protocols by agents. This entails an arbitrary commercial payment system, generally including a component at the buyer's and at the seller's site, can be used. This system is much more generic in nature. In addition, as already stated on page 1, lines 24-26 of the present application, agent security is still in its infancy and consequently, delegating payments to an agent is not presently (securely) possible.

In order to clarify the aforementioned differences, the claims are amended. In the amended claims, the fact that the payment process is performed between the E-Wallet 10 and the merchant server 3 (and not between the agents) is more clearly emphasized.

In the present application there is no specification of the parameters received from the customer station, these being self-evident. What is meant by these parameters is described by the following:

1. customer preferences (with regard to goods to be bought, as well as the method of payment);

2. agent privileges (the customer can indicate what the agent is allowed to do, e.g., the customer can relate a period of validity with the agent).

Both types of interface can be passed on via the customer interface. A similar reasoning is valid for the relation between the merchant agent and the merchant server.

The present claimed invention as defined by claim 1 is patentable over Rosen and the other references of record because the references do not disclose, teach or suggest, inter alia:

a remote customer agent, managed by agent parameters received from said customer station and thus, under the control of said parameters, representing the customer station in a negotiation process, including selecting products to be presented by the merchant server, payment for selected products being performed in a secure way, under control of said secure electronic transactions protocol and said certificates, the payment process being performed between said transactions management means and the merchant server. (See claim 1, lines 16-26).

Claims 2-7 are either directly or indirectly dependent on claim 1 and are patentable over the cited references in view of their dependence on claim 1 and because the references do not

disclose, teach or suggest each of the limitations set forth in claims 2-7.

Claim 8 is patentable over the cited references for reasons, inter alia, set forth above in connection with claim 1.

In view of the foregoing, claims 1-8 are patentable over the cited references under 35 USC 102 as well as 35 USC 103.

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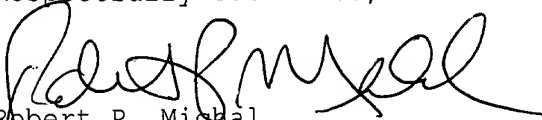
Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

Appln. No. 09/857,383
Amendment dated June 10, 2004
Reply to Office Action of February 20, 2004

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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Encl.: Petition for Extension of Time